

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicant thanks the Examiner for total consideration given the present application. Claims 3-12, 14, and 16-24 are pending prior to the Office Action. Claims 25-26 have been added and claim 19 has been canceled through this reply. Therefore, claims 3-12, 14, 16-18, 20 and 23-26 are pending. Claims 12, 14, and 16 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seek timely allowance of all pending claims.

Allowable Subject Matter

Applicant appreciates that claims 4 and 11 are indicated to define allowable subject matter.

OFFICIAL ACTION

Claim Rejection - 35 U.S.C. § 103(a)

Claims 3, 5, 7-10, 12, 14, 16-18, 20 and 23-24 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kotani (U.S. Patent Publication No. 2002/0078038) in view of Seaman et al. (U.S. Patent Publication No. 2003/0081145). Applicant respectfully traverses these rejections.

Feature of Claims 12, 14, and 16 not taught by Kotani:

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish a *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Independent claims 12, 14, and 16 have been amended to include additional limitations, claim 12 now recites, *inter alia*, "when the maintenance judgment means judges that the image

data is not to be maintained, the maintenance judgment means deletes the received image data from the image processing apparatus" and claims 12, 14, and 16 now recite, *inter alia*, "when judging that the image data is not to be maintained, deleting the received image data from the image processing apparatus." Applicant respectfully traverses the rejection of claims 12, 14, and 16 as amended to include additional limitations for the following reasons:

Although Kotani discloses a display portion 306 which displays the image selected from the thumbnail images displayed in a list display portion 305 as stated by the Examiner, Kotani is completely silent with regard to deleting the received image data from the image processing apparatus as claimed in claims 12, 14, and 16.

Claim 3 feature not taught by Kotani:

Dependent claim 3 recites, *inter alia*, "a communication unit for communicating with other image processing apparatuses, wherein when it is judged that the image data is not to be maintained, said maintenance judgment means causes said communication unit to transfer the image data to the other image processing apparatuses." *Emphasis added.* Applicant respectfully traverses this rejection for the following reasons:

The Examiner also rejects dependent claim 3 which recites one specific example of the above-mentioned additional feature that "said maintenance judgment means causes said communication unit to transfer the image data to the other image processing apparatus." Further, the Examiner interprets that "after image selected from the thumbnail images displayed image can be transferred to another image apparatus such as digital camera" based on Kotani's disclosure: "a USB terminal for connecting a digital camera to the image search apparatus or a network connecting terminal for connecting the apparatus to a network," thus, transferring image data between a digital camera and an image processor (such as a personal computer) in accordance with user's instruction.

Claim 3 clearly recites time maintenance judgment means causes said communication unit to transfer the image data to the other image processing apparatus, and it is clear that claim 3 indicates the maintenance judgment means judges and transfers the image data to the other image processing apparatus without requiring any user's instruction. Thus, the disclosure of Kotani is

totally different from that of the claimed invention. Likewise, the additional feature to the independent claims clearly indicates that maintenance *judgment* means deletes the received image data from the image processing apparatus when the maintenance judgment means judges that the image data is not to be maintained without requiring any user's instruction, and Kotani fails to disclose this feature.

Further, the claimed invention can collect only the image data having a high correlativity in the image processing apparatus without user's judgment and instruction whether the received image date should be maintained or deleted (and transferred).

Claim Rejection - 35 U.S.C. § 103(a)

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kotani (U.S. Patent Publication No. 2002/0078038) in view of Seamen et al. (U.S. Patent Publication No. 2003/0081145) and further in view of Shaffer et al. (U.S. Patent 6,389,181). Applicant respectfully traverses this rejection.

Claim 6 is dependent on independent claim 12 and therefore includes all the limitations of independent claim 12. Thus, Applicant submits that claim 6 is allowable at least by virtue of its dependency on claim 12. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Kotani, Seamen, and Shaffer, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 3-12, 14, 16-18, 20 and 23-26 are distinguishable over the cited references.

In view of the above remarks and amendments, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone

Application No. 10/601,653
Amendment dated February 22, 2008
Reply to Office Action of November 28, 2007

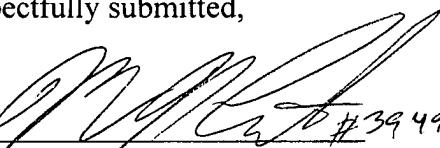
Docket No.: 3562-0130P

number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: February 22, 2008

Respectfully submitted,

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